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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,944	02/08/2002	Isamu Yamaguchi	219229US0	6617
22850	7590	10/14/2004		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER RAJGURU, UMAKANT K	
			ART UNIT	PAPER NUMBER
			1711	
DATE MAILED: 10/14/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/067,944

Applicant(s)

YAMAGUCHI ET AL

Examiner

Umakant K. Rajguru

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. A response has been filed on June 22, 2004.
2. Claims being examined are 1-12.
3. Rejection of claims 7-11 under 35 USC 103(a) (see items 4 & 5 of prior office action of March 31, 2004) is now withdrawn following persuasive arguments against said rejection from the applicants.
4. Rejection of claim 7 under 35 USC, 112, 2nd paragraph (see item 2 of same office action) is now withdrawn since the applicants have shown that names of threne dye are not trade names. They are listed in encyclopedia of chemical technology.
5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 1-5 and 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicants' own disclosure (on page of line 25 to p. 9. line 7 of instant specification) in view of Okamoto et al (US 4595394).

Applicants disclose that a variety of compositions with colored short fibers contained therein have been marketed, (p. 2, lines 9-13 of instant specification).

Molded products have also been prepared from such a composition.

Above disclosure however does not mention (claimed) threne dyes.

According to Okamoto, threne dyes are used for dyeing cellulosic fibers (col. 3, lines 55-64).

Therefore it would have been obvious to use threne dyes for dyeing cellulose fibers to ensure excellent dyeing fastness.

It is noted that prior art does not teach a making master-batch. Nevertheless since preparing a master batch and using it later to make end product is a well known technique in the art especially wherein small amounts of expensive ingredients like dyes, pigments have to be added precisely to the final product, it would have been obvious to use such master batch as claimed in instant claim 5. Additionally it would also have been obvious (as per technique of master-batch using) to blend only resin (without cellulosic fibers) and master batch as claimed in instant claim 9.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over applicants' disclosure in view of Okamoto et al (US 4595394) as applied to claim 1 above, and further in view of Wold (US 5435954).

Applicants' disclosure and Okamoto together fail to mention specific resins of instant claim 6.


Wold describes articles of reinforced composite material that include wood or cellulosic fiber and plastic (abstract). Several suitable plastics are given in col. 8, lines 51-57.


Hence it would have been obvious that plastics taught by Wold can be successfully used as matrices in the disclosure of applicants to enhance mechanical strength appearance and also to reduce cost of production.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Umakant K Rajguru whose telephone number is 571-272-1077. The examiner can normally be reached on Monday thru Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on 571-272-9306. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Rajguru/LR
September 29, 2004


James J. Seidleck
Supervisory Patent Examiner
Technology Center 1700